

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MITCHELL SULLIVAN,
Petitioner,

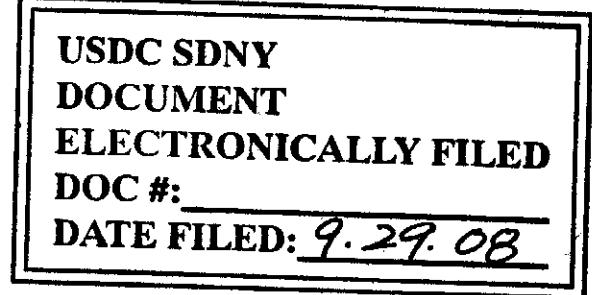
- against -

NEW YORK STATE DEPARTMENT OF
CORRECTIONAL SERVICES, DIVISION OF
PAROLE,

Respondent.

07 Civ. 7177 (SHS) (FM)

ORDER



SIDNEY H. STEIN, U.S. District Judge.

In a Report and Recommendation dated August 14, 2008, Magistrate Judge Frank Maas recommended that this petition for a writ of habeas corpus be dismissed. Petitioner has filed no objections to the Report and Recommendation. After a de novo review of Magistrate Judge Maas's Report and Recommendation dated August 14, 2008,

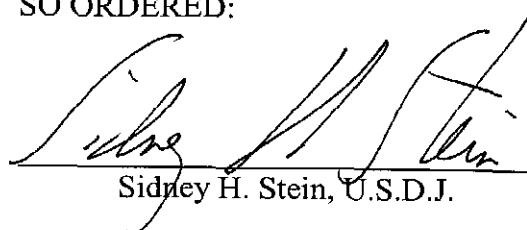
IT IS HEREBY ORDERED that

1. Magistrate Judge Maas's Report and Recommendation is adopted insofar as it recommends dismissing the petition as untimely;
2. The petition pursuant to 28 U.S.C. § 2254 is dismissed;
3. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253; see also Richardson v. Greene, 497 F.3d 212, 217 (2d Cir. 2007); and

4. Pursuant to 28 U.S.C. § 1915(a), the Court certifies that any appeal from this Order would not be taken in good faith.

Dated: New York, New York
September 29, 2008

SO ORDERED:



A handwritten signature in black ink, appearing to read "Sidney H. Stein". Below the signature, the name "Sidney H. Stein, U.S.D.J." is printed in a smaller, standard font.